

EXHIBIT 35

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 CASE NO. 18-CV-6658(JSR)
5 CASE NO. 18-CV-10936(JSR)

6 -----
7 IN RE: PLATINUM-BEECHWOOD LITIGATION
8 -----

9 MARTIN TROTT and CHRISTOPHER SMITH, as Joint
10 Official Liquidators and
11 Foreign Representatives of
12 PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
13 (in Official Liquidation), and
14 PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
15 (in Official Liquidation),

16 Plaintiffs,

17 vs.

18 PLATINUM MANAGEMENT (NY) LLC, et al.,

19 Defendants.
20 -----

21 VOLUME III

22 TRANSCRIPT OF VIDEOTAPED DEPOSITION OF
23 MARTIN TROTT

24 TRANSCRIPT of the stenographic notes of
25 the proceedings in the above-entitled matter, as
taken by and before TAB PREWETT, a Registered
Professional Reporter, a Certified LiveNote
Reporter, Certified Shorthand Reporter and Notary
Public, held at the offices of US Legal Support
Company, 90 Broad Street, Suite 603, New York,
New York, on Tuesday, September 24, 2019,
commencing at 9:32 a.m.

1 Martin Trott - Volume III

2 Q Okay. Apart from that, are you
3 aware of any investment by the Foundation in
4 PPVA?

5 A No.

6 Q Do you have still -- I think this
7 is D 125 -- is that right -- the 2016 tax return.

8 Do you still have that in front of
9 you?

10 A I have it, yes.

11 Q If you could turn -- while we look
12 for this, let me ask you this:

13 In terms of -- in terms of the
14 Foundation's role in connection with the schemes
15 that you have alleged, apart from its investment
16 of a million dollars in connection with Black
17 Elk, is there any other activity by the
18 Foundation in connection with Platinum that forms
19 the basis for your damage allegations against
20 them?

21 A So Huberfeld Family Foundation was
22 clearly closely connected to Murray Huberfeld.
23 And in -- in my mind, Murray Huberfeld's actions
24 in this case can be also levelled at the
25 Foundation for that reason.

1 Martin Trott - Volume III

2 Q Are you aware that the Court
3 dropped or dismissed your alter ego claim?

4 A Yes. And in addition to the direct
5 investment into the Black Elk scheme, my
6 understanding is that the Foundation financed the
7 Aaron Elbogen transactions into the Black Elk
8 scheme.

9 Q Well, let's stop right there for a
10 second.

11 How was PPVA harmed by that?

12 A PPVA, the funds that were received
13 by these parties in the table on page 96 received
14 the funds that PPVA should have received as a --
15 as a bond holder.

16 Q But how was the loan that was made
17 by the Foundation to Mr. Elbogen's trust -- how
18 did that loan specifically cause PPVA -- PPVA
19 damage?

20 A Because it financed the Black Elk
21 Opportunities Fund investments.

22 Q So if a bank loaned Mr. Elbogen,
23 they would also be responsible because they
24 financed his activity?

25 A This is not a bank. This is